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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL, PLAINTIFF, v. CITY OF CHULA VISTA; CHULA VISTA POLICE DEPARTMENT; DET. RUTH HINZMAN; AGT. ANDERSON; AGT. OYOS; SGT. CERVANTES; AND PERSON ENTITIES UNKNOWN; COUNTY OF SAN DIEGO AND SAN DIEGO COUNTY PROTECTIVE SERVICES WORKERS JULIE SMITH, NADIA NAJORS, MEGAN PETFINGER, REBECCA SLADE AND PERSONS AND ENTITIES UNKNOWN; CHILDREN'S HOSPITAL; DIANA CHASE; NURSE DEBRA DAVIES, LCSW, Defendants.	**Case No.: 07 CV 1836 JAH (JMA)** **REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS** Date: April 28, 2008 Time: 2:30 p.m. Judge: Honorable John A. Houston Room: Courtroom 11

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Defendant MORTEZA MIRKARIMI, M.D. respectfully submits the Court should grant his Motion to Dismiss in that Plaintiff Carmen Powell failed to submit an Opposition to the Motion. Pursuant to the Court's February 12, 2008 order, Plaintiff had up until March 7, 2008 to submit her opposition papers. Failure to file an opposition can be construed as Plaintiff's consent to granting the motion (CivLR 7.1(f)(3)(c)). Because she failed to do so, Defendant MORTEZA MIRKARIMI, M.D.'s Motion to Dismiss Plaintiff's Complaint should be granted.

Dated: March 21, 2008

NEIL, DYMOTT, FRANK,
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By: s/ Tamara L. Glaser
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Tamara L. Glaser
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL, Plaintiff, v. CITY OF CHULA VISTA; CHULA VISTA POLICE DEPARTMENT; DET. RUTH HINZMAN; AGT. ANDERSON; AGT. OYOS; SGT. CERVANTES; AND PERSON ENTITIES UNKNOWN; COUNTY OF SAN DIEGO AND SAN DIEGO COUNTY PROTECTIVE SERVICES WORKERS JULIE SMITH, NADIA NAJORS, MEGAN PETFINGER, REBECCA SLADE AND PERSONS AND ENTITIES UNKNOWN; CHILDREN'S HOSPITAL; DIANA CHASE; NURSE DEBRA DAVIES, LCSW, Defendants.	**Case No.: 07 CV 1836 JAH (JMA)** **PROOF OF SERVICE**

I, the undersigned, am employed in the county of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 1010 Second Avenue, Suite 2500, San Diego, California, 92101.

On March 21, 2008, I caused to be served the following document(s) described as follows:

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REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

on the parties in this action by placing a true copy in a sealed envelope addressed as follows:

Carmen Powell
372 Bay Leaf Drive
Chula Vista, CA 91910
Plaintiff in pro per

☒ **BY MAIL** - As follows: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California in the ordinary course of business. The envelope was sealed and placed for collection and mailing on this date following our ordinary practices. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **BY ELECTRONIC SERVICE -** As follows: To be filed electronically with the Clerk of the Court through ECF, and that ECF will send an e-mail notice of the electronic filing to the parties to this case at their respective e-mail addresses.

Executed on March 21, 2008, at San Diego, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Joanna Ryan Shippee